

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1412 of 2017

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1. M/s I. K. Construction through its partner Mr. Sanjeev Kumar son of Sri Krishna Prasad Singh Resident of Mohalla - Garhpar, P.O. + P.S. - Biharsharif, District : Nalanda, Pin : 803101.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Works Department, 'Vishweshwaraiya Bhawan', Bailey Road, Patna - 15.
2. The Engineer-in-Chief, Rural Works Department, 'Vishweshwaraiya Bhawan', Bailey Road, Patna - 15.
3. The Chief Engineer - 1, Rural Works Department, 'Vishweshwaraiya Bhawan', Bailey Road, Patna - 15.
4. The Superintending Engineer, Rural Works Department, Works Circle, Nalanda at Biharsharif - 803101.
5. The Executive Engineer, Rural Works Department, Works Division, Biharsharif (Nalanda).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Sahay

For the State : Mr. Karandeo Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-03-2017

Heard learned counsel for the petitioner and learned counsel for the State.

In the present writ petition, petitioner is challenging the letter vide letter no. 09 dated 4.1.2016 issued by Engineer-in-Chief, Rural Works Department, Government of Bihar, Patna by which petitioner has been declared defaulter and debarred from participating in future tender.

Petitioner was allotted the work for construction of road from NH 82 Jirain Onda Path to Molna Bigha Road including



five years maintenance from 2013-14. The respondent authority was keeping on track the work done by the petitioner. Annexure attached with letter dated 4.1.2016 indicates that the Executive Engineer has sent his recommendation for debarment of the petitioner which was approved by the Superintending Engineer and Chief Engineer by respective recommendations dated 23.9.2015 and 7.10.2015. On that basis the petitioner was debarred from future participation in the tender.

Learned counsel for the petitioner submits that before the order of debarment, the petitioner has already completed the work which is apparently clear from letter of the Executive Engineer dated 30.1.2016 and the Superintending Engineer by letter dated 24.2.2016 and ultimately the Chief Engineer by letter dated 3.3.2016 has recorded that petitioner has completed the work of construction and maintenance by 7.7.2015 and as such he may be released from the list of debarred contractor. In such circumstances the question of debarment does not arise.

In such circumstances, Engineer-in-Chief, Rural Works Department, Patna is directed to consider the three letters which have been written by three different Officers and all of them have recommended that petitioner should be released from debarred list of future tender. Let Engineer-in-Chief consider the case of



the petitioner keeping in mind the three letters written by the superior Officers of the department have approved a deletion of his name from the list of debarment.

For convenience the petitioner is directed to file a detailed representation along with this order before the Engineer-in-Chief, Rural Works Department, Patna who will dispose of the representation within a period of three weeks from the date of filing of the same.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.3.2017
Transmission Date	NA

